

REMARKS:

This paper is herewith filed in response to the Examiner's Office Action mailed on May 25, 2010 for the above-captioned U.S. Patent Application. The above office action is a rejection of claims 1-5, 8-10, 12-20, 22, and 24-28 of the application.

More specifically, the Examiner has rejected claim 22 under 35 USC 101 because the claimed invention is directed to non-statutory subject matter; rejected claims 12 and 13 under 35 USC 102(e) as being anticipated by Davidson (US6,577,862); rejected claims 1 and 24 under 35 USC 103(a) as being unpatentable over Simard (US6,940,826) in view of Davidson; rejected claims 2-5 and 25-28 under 35 USC 103(a) as being unpatentable over Simard in view of Davidson and further in view of Forsell (EP1006695); rejected claims 18-10 and 15-20 as being unpatentable over Davidson in view of Simard; rejected claim 14 under 35 USC 103(a) as being unpatentable over Davidson in view of Kajizaki (US20010055317); and rejected claim 22 under 35 USC 103(a) as being unpatentable over Forsell in view of Simard and Davidson. The Applicants respectfully traverse the rejections.

Further, the Applicants note that the Examiner has indicated that claims 6, 7, 21, and 29-30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations in the base claim and any intervening claims. The Applicants thank the Examiner for this indication of allowance.

Claims 1, 8, 12, 15, 22, 24-28, and 30 have been amended. Claims 6 and 9 have been cancelled. Support for the amendments can be found at least in Figure 3 and on page 8, lines 16-18 and page 9, lines 15-29 of the application as filed. No new matter is added.

INTERVIEW SUMMARY

Regarding an Interview held on Thursday, August 5, 2010 with the following attendees:

Examiner Joshua Smith and Applicant's Representative John A. Garrity Registration No. 60,470. The Applicant's Representative discussed amending the independent claims to recite features indicating that the information included in the post speech packets was concerning a current call. The Applicant's Representative asserted that in Davidson the "comfort noise" or "silence" produced in Davidson does not convey information concerning a call, but rather only transforms (silent period) speech samples to a type of silence where there is no speech. The Examiner asserted that the cited features of Davidson could also read on information concerning a call. The Examiner suggested that amendments regarding the information in the post-speech packets, as in the claims, could be amended to recite more specific details of what the information does (e.g., control a call channel, etc.).

Further, during the Interview the Applicant's Representative proposed amending the independent claims with similar features of allowed claim 6, without including limitations of any intervening claims, to further the prosecution of the Application to an allowance. The Applicant's Representative notes that the Examiner expressed agreement that amending the feature related to post-speech packets also being sent to a terminal that used the uplink, as in claim 6, into the independent claims could possibly provide an allowance of the claims. The Applicant's Representative indicated that such amendments would be provided in a Response to the Office Action dated May 25, 2010 for a possible allowance. In addition, the Examiner indicated that, after receiving the amended claims, if there were still issues preventing an allowance the Examiner would agree to another Interview, prior to another Office Action, to discuss possible Examiner's amendments for an allowance. This Interview Summary is seen to be a complete response this PTOL-413 or any other form related to this interview. The Applicant's Representative thanks the Examiner for the interview.

Regarding the rejections of claims 22 and 24-30 under 35 USC 101, the Applicants note that these claims have been amended to recite in part "memory," instead of "medium." The Applicants note that in the Interview the Examiner indicated that this would be acceptable to overcome the rejection under 35 USC 101. The rejections to these claims under 35 USC 101 is seen to be overcome. Thus, the Applicants respectfully request the Examiner remove the

rejections.

Although the Applicants do not agree with the rejections of independent claims 1, 8, 15, and 24, the Applicants submit that, as discussed in the Interview on August 5, 2010, in order to facilitate the prosecution of this patent application towards allowance each of the independent claims 1, 8, 15, 22, and 24 have been amended in a somewhat similar fashion to include features of allowable claim 6. The Applicants note that, as similarly proposed by the Applicant's Representative during the Interview, the limitations of the intervening claims 4 and 2 have not been similarly amended into the independent claims. The Applicants respectfully submit that omitting the language of these intervening dependent claims does not preclude the allowability, as indicated in the Office Action, of the features of former claim 6, now recited in the independent claims.

The Applicants submit that none of the references cited disclose or suggest at least where independent claims 1, 8, 15, 22, and 24 have been amended to similarly relate to wherein post-speech packets are also sent to a terminal that used the uplink, as formerly in allowed claim 6. Therefore, the Examiner is respectfully requested to allow these claims.

Further, the Applicants submit that, for at least the reasons stated above, the references cited do not disclose or suggest at least where independent claim 12 recites in part "wherein the at least one receiving terminal to which post speech packets are transmitted comprises a terminal on an uplink." Therefore, the Applicants respectfully request that the Examiner remove the rejection and allow claim 12.

Further, it is respectfully submitted that all dependent claims 2-5 and 7, claims 9-10, claims 13-14, claims 16-21, and claims 25-28 and 30 are allowable due to their dependence on allowable independent claims 1, 8, 12, 15, and 24, respectively.

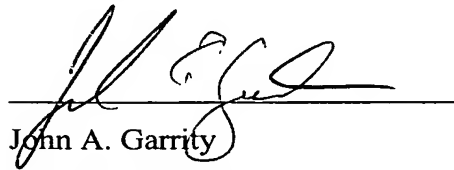
Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1-5, 7-10, 12-22, 24-28, and 30. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-5, 7-10, 12-22, 24-28, and 30 and

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to allow all of the pending claims 1-5, 7-10, 12-22, 24-28, and 30 as now presented for examination. Should any unresolved issue remain, the Examiner is invited to call Applicants' representative at the telephone number indicated below.

Respectfully submitted:



John A. Garrity

8/23/2010

Date

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

8/23/2010

Date

Clair F. Mian

Name of Person Making Deposit